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**Chair, Panel B**

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8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation & Petition to  
11 Revoke Probation Against:

12 **JULIE ANNE WINFIELD, M.D.**  
5 Mallard Road  
13 Belvedere Tiburon, CA 94920-2322

14 Physician's and Surgeon's Certificate No.  
15 A55830

16 Respondent.

Case No. 800-2015-012357

OAH No. 2015100434

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical  
22 Board of California. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Machaela M.  
24 Mingardi, Deputy Attorney General.

25 2. Respondent Julie Anne Winfield, M.D. ("Respondent") is represented in this  
26 proceeding by attorney Thomas Still, Esq., whose address is: Hinshaw, Marsh, Still & Hinshaw,  
27 LLP, 12901 Saratoga Avenue, Saratoga, California 95070.  
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3. On or about March 13, 1996, the Medical Board of California issued Physician's and Surgeon's Certificate No. A55830 to Julie Anne Winfield, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation & Petition to Revoke Probation No. 800-2015-012357 and will expire on May 31, 2017, unless renewed.

## JURISDICTION

4. An Accusation and Petition to Revoke Probation No. 800-2015-012357 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on April 21, 2015. Respondent timely filed her Notice of Defense contesting the Accusation and Petition to Revoke Probation.

5. A copy of Accusation and Petition to Revoke Probation No. 800-2015-012357 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6, Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation and Petition to Revoke Probation No. 800-2015-012357. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1           13. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4                                   **DISCIPLINARY ORDER**

5           IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A55830 issued  
6 to Respondent Julie Anne Winfield, M.D. (Respondent) is revoked. However, the revocation is  
7 stayed and Respondent is placed on probation for five (5) years on the following terms and  
8 conditions:

9           1. REVOCATION & STAY ORDER. Certificate No. A55830 issued to Respondent  
10 Julie Anne Winfield, M.D. is hereby revoked. Revocation is stayed and Respondent is placed on  
11 probation for five years upon the following terms and conditions.

12           2. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO  
13 RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled  
14 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any  
15 recommendation or approval which enables a patient or patient's primary caregiver to possess or  
16 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health  
17 and Safety Code section 11362.5, during probation, showing all the following: 1) the name and  
18 address of patient; 2) the date; 3) the character and quantity of controlled substances involved;  
19 and 4) the indications and diagnosis for which the controlled substances were furnished.

20           Respondent shall keep these records in a separate file or ledger, in chronological order. All  
21 records and any inventories of controlled substances shall be available for immediate inspection  
22 and copying on the premises by the Board or its designee at all times during business hours and  
23 shall be retained for the entire term of probation.

24           3. PRESCRIPTION RESTRICTION. Respondent shall not prescribe, authorize, order,  
25 dispense, administer, or provide any dangerous drug or controlled substances to any member of  
26 Respondent's family or household.

27           4. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain  
28 completely from the personal use or possession of controlled substances as defined in the

1 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
2 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
3 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
4 illness or condition.

5 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
6 shall notify the Board or its designee of the following: issuing practitioner's name, address, and  
7 telephone number; medication name, strength, and quantity; and issuing pharmacy name, address,  
8 and telephone number.

9 If Respondent has a confirmed positive biological fluid test for any substance (whether or  
10 not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall  
11 receive a notification from the Board or its designee to immediately cease the practice of  
12 medicine. The Respondent shall not resume the practice of medicine until final decision on an  
13 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke  
14 probation shall be filed by the Board within 15 days of the notification to cease practice. If the  
15 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board  
16 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent  
17 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or  
18 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice  
19 shall not apply to the reduction of the probationary time period.

20 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
21 issuance of the notification to cease practice or does not provide Respondent with a hearing  
22 within 30 days of a such a request, the notification of cease practice shall be dissolved.

23 5. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
24 use of products or beverages containing alcohol.

25 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall  
26 receive a notification from the Board or its designee to immediately cease the practice of  
27 medicine. The Respondent shall not resume the practice of medicine until final decision on an  
28 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke

1 probation shall be filed by the Board within 15 days of the notification to cease practice. If the  
2 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board  
3 shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent  
4 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or  
5 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice  
6 shall not apply to the reduction of the probationary time period.

7 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
8 issuance of the notification to cease practice or does not provide Respondent with a hearing  
9 within 30 days of a such a request, the notification of cease practice shall be dissolved.

10 6. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
11 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
12 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.  
13 Respondent shall participate in and successfully complete that program. Respondent shall  
14 provide any information and documents that the program may deem pertinent. Respondent shall  
15 successfully complete the classroom component of the program not later than six (6) months after  
16 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
17 time specified by the program, but no later than one (1) year after attending the classroom  
18 component. The professionalism program shall be at Respondent's expense and shall be in  
19 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

20 A professionalism program taken after the acts that gave rise to the charges in the  
21 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
22 or its designee, be accepted towards the fulfillment of this condition if the program would have  
23 been approved by the Board or its designee had the program been taken after the effective date of  
24 this Decision.

25 Respondent shall submit a certification of successful completion to the Board or its  
26 designee not later than 15 calendar days after successfully completing the program or not later  
27 than 15 calendar days after the effective date of the Decision, whichever is later.

28 7. CLINICAL DIAGNOSTIC EVALUATION/PSYCHIATRIC EVALUATION.

1        Within thirty (30) calendar days of the effective date of this Decision, and on whatever  
2 periodic basis thereafter as may be required by the Board or its designee, Respondent shall  
3 undergo and complete a clinical diagnostic evaluation, including any and all testing deemed  
4 necessary, by a Board-appointed board certified physician and surgeon. The examiner shall  
5 consider any information provided by the Board or its designee and any other information he or  
6 she deems relevant, and shall furnish a written evaluation report to the Board or its designee.

7        The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon  
8 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of  
9 physicians and surgeons with substance abuse disorders, and is approved by the Board or its  
10 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable  
11 professional standards for conducting substance abuse clinical diagnostic evaluations. The  
12 evaluator shall not have a current or former financial, personal, or business relationship with  
13 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and  
14 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the  
15 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a  
16 threat to himself or herself or others, and recommendations for substance abuse treatment,  
17 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability  
18 to practice safely. If the evaluator determines during the evaluation process that Respondent is a  
19 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)  
20 hours of such a determination.

21        In formulating his or her opinion as to whether Respondent is safe to return to either part-  
22 time or full-time practice and what restrictions or recommendations should be imposed, including  
23 participation in an inpatient or outpatient treatment program, the evaluator shall consider the  
24 following factors: Respondent's license type; Respondent's history; Respondent's documented  
25 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);  
26 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical  
27 history and current medical condition; the nature, duration and severity of Respondent's  
28 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or



1 the public.

2 For all clinical diagnostic evaluations, a final written report shall be provided to the Board  
3 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator  
4 requests additional information or time to complete the evaluation and report, an extension may  
5 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally  
6 assigned the matter.

7 The Board shall review the clinical diagnostic evaluation report within five (5) business  
8 days of receipt to determine whether Respondent is safe to return to either part-time or full-time  
9 practice and what restrictions or recommendations shall be imposed on Respondent based on the  
10 recommendations made by the evaluator. Respondent shall not be returned to practice until he or  
11 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating  
12 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited  
13 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of  
14 Regulations. Respondent has satisfied the aforementioned 30-days of negative test results  
15 provision, provided that there is no new positive biological fluid test result following the  
16 signatory date of this Settlement Agreement.

17 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall  
18 not be accepted toward the fulfillment of this requirement. The cost of the clinical diagnostic  
19 evaluation, including any and all testing deemed necessary by the examiner, the Board or its  
20 designee, shall be borne by the licensee.

21 Respondent shall not engage in the practice of medicine until notified by the Board or its  
22 designee that he or she is fit to practice medicine safely. The period of time that Respondent is  
23 not practicing medicine shall not be counted toward completion of the term of probation.  
24 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)  
25 times per week while awaiting the notification from the Board if he or she is fit to practice  
26 medicine safely.

27 Respondent shall comply with all restrictions or conditions recommended by the examiner  
28 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified

1 by the Board or its designee, and shall cooperate fully and completely with the evaluation and the  
2 evaluator.

3 Over the course of probation, at the request of the Board or its designee, Respondent shall  
4 undergo and complete a psychiatric and/or substance abuse evaluation (and psychological testing,  
5 if deemed necessary) by a Board-appointed evaluator, who shall consider any information  
6 provided by the Board or designee and any other information the psychiatrist deems relevant, and  
7 shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations  
8 conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment  
9 of this requirement. Respondent shall pay the cost of all psychiatric evaluations and  
10 psychological testing, and shall cooperate fully with the evaluation and the evaluator.

11 Respondent shall comply with all restrictions or conditions recommended by the evaluator  
12 within 15 calendar days after being notified by the Board or its designee.

13 8. PSYCHOTHERAPY.

14 Within 60 calendar days of the effective date of this Decision, Respondent shall submit to  
15 the Board or its designee for prior approval the name and qualifications of a California-licensed  
16 board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology  
17 and at least five years of postgraduate experience in the diagnosis and treatment of emotional and  
18 mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy  
19 treatment, including any modifications to the frequency of psychotherapy, until the Board or its  
20 designee deems that no further psychotherapy is necessary.

21 The psychotherapist shall consider any information provided by the Board or its designee  
22 and any other information the psychotherapist deems relevant and shall furnish a written  
23 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
24 psychotherapist any information and documents that the psychotherapist may deem pertinent.

25 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
26 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
27 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
28 probation, Respondent is found to be mentally unfit to resume the practice of medicine without

1 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
2 period of probation shall be extended until the Board determines that Respondent is mentally fit  
3 to resume the practice of medicine without restrictions.

4 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

5 9. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
6 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
7 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
8 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
9 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
10 Respondent's work status, performance, and monitoring.

11 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
12 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
13 privileges.

14 10. BIOLOGICAL FLUID TESTING.

15 Respondent shall immediately submit to biological fluid testing, at Respondent's expense,  
16 upon request of the Board or its designee. "Biological fluid testing" may include, but is not  
17 limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by  
18 the Board or its designee. Respondent shall make daily contact with the Board or its designee to  
19 determine whether biological fluid testing is required. Respondent shall be tested on the date of  
20 the notification as directed by the Board or its designee. The Board may order a Respondent to  
21 undergo a biological fluid test on any day, at any time, including weekends and holidays. Except  
22 when testing on a specific date as ordered by the Board or its designee, the scheduling of  
23 biological fluid testing shall be done on a random basis. The cost of biological fluid testing shall  
24 be borne by the Respondent.

25 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
26 During the second year of probation and for the duration of the probationary term, up to five (5)  
27 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
28 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing

1 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
2 of random tests to the first-year level of frequency for any reason.

3 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
4 approved in advance by the Board or its designee, that will conduct random, unannounced,  
5 observed, biological fluid testing and meets all the following standards:

6 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
7 Association or have completed the training required to serve as a collector for the United States  
8 Department of Transportation.

9 (b) Its specimen collectors conform to the current United States Department of  
10 Transportation Specimen Collection Guidelines

11 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
12 by the United States Department of Transportation without regard to the type of test administered.

13 (d) Its specimen collectors observe the collection of testing specimens.

14 (e) Its laboratories are certified and accredited by the United States Department of Health  
15 and Human Services.

16 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
17 of receipt and all specimens collected shall be handled pursuant to chain of custody procedures.  
18 The laboratory shall process and analyze the specimens and provide legally defensible test results  
19 to the Board within seven (7) business days of receipt of the specimen. The Board will be  
20 notified of non-negative results within one (1) business day and will be notified of negative test  
21 results within seven (7) business days.

22 (g) Its testing locations possess all the materials, equipment, and technical expertise  
23 necessary in order to test Respondent on any day of the week.

24 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
25 for the detection of alcohol and illegal and controlled substances.

26 (i) It maintains testing sites located throughout California.

27 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
28 computer database that allows the Respondent to check in daily for testing.

1 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
2 access to drug test results and compliance reporting information that is available 24 hours a day.

3 (l) It employs or contracts with toxicologists that are licensed physicians and have  
4 knowledge of substance abuse disorders and the appropriate medical training to interpret and  
5 evaluate laboratory biological fluid test results, medical histories, and any other information  
6 relevant to biomedical information.

7 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
8 while practicing, even if the Respondent holds a valid prescription for the substance.

9 Prior to changing testing locations for any reason, including during vacation or other travel,  
10 alternative testing locations must be approved by the Board and meet the requirements above.

11 The contract shall require that the laboratory directly notify the Board or its designee of  
12 non-negative results within one (1) business day and negative test results within seven (7)  
13 business days of the results becoming available. Respondent shall maintain this laboratory or  
14 service contract during the period of probation.

15 A certified copy of any laboratory test result may be received in evidence in any  
16 proceedings between the Board and Respondent.

17 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
18 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
19 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
20 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
21 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
22 provide medical services while the cease-practice order is in effect.

23 A biological fluid test will not be considered negative if a positive result is obtained while  
24 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
25 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

26 After the issuance of a cease-practice order, the Board shall determine whether the positive  
27 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
28 specimen collector and the laboratory, communicating with the licensee, his or her treating

1 physician(s), other health care provider, or group facilitator, as applicable.

2 For purposes of this condition, the terms “biological fluid testing” and “testing” mean the  
3 acquisition and chemical analysis of a Respondent’s urine, blood, breath, or hair.

4 For purposes of this condition, the term “prohibited substance” means an illegal drug, a  
5 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
6 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
7 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

8 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
9 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
10 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
11 any other terms or conditions the Board determines are necessary for public protection or to  
12 enhance Respondent’s rehabilitation.

13 11. SUBSTANCE ABUSE SUPPORT GROUP MEETING.

14 Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the  
15 Board or its designee, for its prior approval, the name of a substance abuse support group which  
16 he or she shall attend for the duration of probation. Respondent shall attend substance abuse  
17 support group meetings at least once per week, or as ordered by the Board or its designee.  
18 Respondent shall pay all substance abuse support group meeting costs.

19 The facilitator of the substance abuse support group meeting shall have a minimum of three  
20 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
21 or certified by the state or nationally certified organizations. The facilitator shall not have a  
22 current or former financial, personal, or business relationship with Respondent within the last five  
23 (5) years. Respondent’s previous participation in a substance abuse group support meeting led by  
24 the same facilitator does not constitute a prohibited current or former financial, personal, or  
25 business relationship.

26 The facilitator shall provide a signed document to the Board or its designee showing  
27 Respondent’s name, the group name, the date and location of the meeting, Respondent’s  
28 attendance, and Respondent’s level of participation and progress. The facilitator shall report any

1 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
2 or its designee, within twenty-four (24) hours of the unexcused absence.

3 12. WORKSITE MONITOR. Within thirty (30) calendar days of the effective date of  
4 this Decision, Respondent shall submit to the Board or its designee for prior approval as a  
5 worksite monitor, the name and qualifications of one or more licensed physician and surgeon,  
6 other licensed health care professional if no physician and surgeon is available, or, as approved by  
7 the Board or its designee, a person in a position of authority who is capable of monitoring the  
8 Respondent at work.

9 The worksite monitor shall not have a current or former financial, personal, or familial  
10 relationship with Respondent, or any other relationship that could reasonably be expected to  
11 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
12 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
13 monitor, this requirement may be waived by the Board or its designee, however, under no  
14 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

15 The worksite monitor shall have an active unrestricted license with no disciplinary action  
16 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
17 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
18 by the Board or its designee.

19 Respondent shall pay all worksite monitoring costs.

20 The worksite monitor shall have face-to-face contact with Respondent in the work  
21 environment on as frequent a basis as determined by the Board or its designee, but not less than  
22 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
23 by the Board or its designee; and review Respondent's work attendance.

24 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
25 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
26 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
27 be made to the Board or its designee within one (1) hour of the next business day. A written  
28 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and

1 any other information deemed important by the worksite monitor shall be submitted to the Board  
2 or its designee within 48 hours of the occurrence.

3 The worksite monitor shall complete and submit a written report monthly or as directed by  
4 the Board or its designee which shall include the following: (1) Respondent's name and  
5 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
6 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
7 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
8 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
9 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
10 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
11 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
12 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

13 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
14 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
15 approval, the name and qualifications of a replacement monitor who will be assuming that  
16 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
17 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
18 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
19 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
20 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
21 responsibility.

22 13. VIOLATION OF PROBATION CONDITION.

23 Failure to fully comply with any term or condition of probation is a violation of probation.

24 A. If Respondent commits a major violation of probation as defined by section 1361.52,  
25 subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or  
26 more of the following actions:

27 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
28 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1),



1 of Title 16 of the California Code of Regulations, at Respondent's expense. The cease-  
2 practice order issued by the Board or its designee shall state that Respondent must test  
3 negative for at least a month of continuous biological fluid testing before being allowed to  
4 resume practice. For purposes of the determining the length of time a Respondent must test  
5 negative while undergoing continuous biological fluid testing following issuance of a  
6 cease-practice order, a month is defined as thirty calendar (30) days. Respondent may not  
7 resume the practice of medicine until notified in writing by the Board or its designee that he  
8 or she may do so.

9 (2) Increase the frequency of biological fluid testing.

10 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
11 other action as determined by the Board or its designee. (Cal. Code Regs., tit. 16, §  
12 1361.52, subd. (b).)

13 B. If Respondent commits a minor violation of probation as defined by section  
14 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
15 one or more of the following actions:

16 (1) Issue a cease-practice order;

17 (2) Order practice limitations;

18 (3) Order or increase supervision of Respondent;

19 (4) Order increased documentation;

20 (5) Issue a citation and fine, or a warning letter;

21 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
22 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
23 Regulations, at Respondent's expense;

24 (7) Take any other action as determined by the Board or its designee. (Cal. Code Regs., tit.  
25 16, § 1361.52, subd. (d).)

26 C. Nothing in this Decision shall be considered a limitation on the Board's authority to  
27 revoke Respondent's probation if he or she has violated any term or condition of probation. (See  
28 Cal. Code Regs., tit. 16, § 1361.52, subd. (e).) If Respondent violates probation in any respect,

1 the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation  
2 and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
3 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
4 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
5 be extended until the matter is final.

6 14. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
7 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
8 Chief Executive Officer at every hospital where privileges or membership are extended to  
9 Respondent, at any other facility where Respondent engages in the practice of medicine,  
10 including all physician and locum tenens registries or other similar agencies, and to the Chief  
11 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
12 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
13 calendar days.

14 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

15 15. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
16 prohibited from supervising physician assistants.

17 16. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
18 governing the practice of medicine in California and remain in full compliance with any court  
19 ordered criminal probation, payments, and other orders.

20 17. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
21 under penalty of perjury on forms provided by the Board, stating whether there has been  
22 compliance with all the conditions of probation.

23 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
24 of the preceding quarter.

25 18. GENERAL PROBATION REQUIREMENTS.

26 Compliance with Probation Unit

27 Respondent shall comply with the Board's probation unit and all terms and conditions of  
28 this Decision.

1       Address Changes

2       Respondent shall, at all times, keep the Board informed of Respondent's business and  
3 residence addresses, email address (if available), and telephone number. Changes of such  
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
5 circumstances shall a post office box serve as an address of record, except as allowed by Business  
6 and Professions Code section 2021(b).

7       Place of Practice

8       Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
10 facility.

11       License Renewal

12       Respondent shall maintain a current and renewed California physician's and surgeon's  
13 license.

14       Travel or Residence Outside California

15       Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
17 (30) calendar days.

18       In the event Respondent should leave the State of California to reside or to practice  
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
20 departure and return.

21       19. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
22 available in person upon request for interviews either at Respondent's place of business or at the  
23 probation unit office, with or without prior notice throughout the term of probation.

24       20. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
27 defined as any period of time Respondent is not practicing medicine in California as defined in  
28 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month

1 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
2 time spent in an intensive training program which has been approved by the Board or its designee  
3 shall not be considered non-practice. Practicing medicine in another state of the United States or  
4 Federal jurisdiction while on probation with the medical licensing authority of that state or  
5 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
6 not be considered as a period of non-practice.

7 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
8 months, Respondent shall successfully complete a clinical training program that meets the criteria  
9 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
10 Disciplinary Guidelines" prior to resuming the practice of medicine.

11 Respondent's period of non-practice while on probation shall not exceed two (2) years.

12 Periods of non-practice will not apply to the reduction of the probationary term.

13 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
14 probationary terms and conditions with the exception of this condition and the following terms  
15 and conditions of probation: Obey All Laws; and General Probation Requirements.

16 21. COMPLETION OF PROBATION. Respondent shall comply with all financial  
17 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
18 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
19 be fully restored.

20 22. LICENSE SURRENDER. Following the effective date of this Decision, if  
21 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
22 the terms and conditions of probation, Respondent may request to surrender his or her license.  
23 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
24 determining whether or not to grant the request, or to take any other action deemed appropriate  
25 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
26 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
27 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
28 to the terms and conditions of probation. If Respondent re-applies for a medical license, the

1 application shall be treated as a petition for reinstatement of a revoked certificate.

2 23. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
3 with probation monitoring each and every year of probation, as designated by the Board, which  
4 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
5 California and delivered to the Board or its designee no later than January 31 of each calendar  
6 year.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Thomas Still, Esq. I understand the stipulation and the effect it  
10 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Medical Board of California.

13  
14 DATED: 1/08/2016 Julie Anne Winfield  
15 JULIE ANNE WINFIELD, M.D.  
16 Respondent

17 I have read and fully discussed with Respondent Julie Anne Winfield, M.D. the terms and  
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
19 I approve its form and content.

20  
21 DATED: 1-8-2016 THOMAS STILL  
22 Thomas Still, Esq.  
23 Attorney for Respondent  
24  
25  
26  
27  
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 1/8/2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General

  
MACHAELA M. MINGARDI  
Deputy Attorney General  
*Attorneys for Complainant*

SF2015401024  
Winfield Settlement Agreement Final.docx

**Exhibit A**

**Accusation & Petition to Revoke Probation No. 800-2015-012357**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 MACHAELA M. MINGARDI  
Deputy Attorney General  
4 State Bar No. 194400  
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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO APRIL 21, 2015  
BY: J. KELLY ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10 In the Matter of the Accusation and Petition to  
11 Revoke Probation Against,

Case No. 8002015012357

12 **JULIE ANNE WINFIELD, M.D.**

13 5 Mallard Road  
14 Belvedere Tiburon, CA 94920

15 Physician's and Surgeon's Certificate No.  
A55830

16 Respondent.

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation and Petition to Revoke  
21 Probation solely in her official capacity as the Executive Director of the Medical Board of  
22 California, Department of Consumer Affairs.

23 2. On or about March 13, 1996, the Medical Board of California issued Physician's and  
24 Surgeon's Certificate No. A55830 to Julie Anne Winfield (Respondent). Said certificate is  
25 renewed and current with an expiration date of May 31, 2015.

26 3. In a disciplinary action entitled "In the Matter of the Accusation Against Julie Anne  
27 Winfield," Case No. 03-2008-196387, the Medical Board of California, issued a decision,  
28 effective June 14, 2010, in which Respondent's Physician's and Surgeon's Certificate No.



1 A55830 was revoked. However, the revocation was stayed and Respondent was placed on  
2 probation for a period of five (5) years with certain terms and conditions, including a prohibition  
3 on the use of controlled substances and alcohol. A copy of that decision is attached as Exhibit A  
4 and is incorporated by reference.

### 5 JURISDICTION

6 4. This Accusation and Petition to Revoke Probation is brought before the Medical  
7 Board of California (Board), Department of Consumer Affairs, under the authority of the  
8 following laws. All section references are to the Business and Professions Code unless otherwise  
9 indicated.

10 5. Section 2004 of the Code states, in relevant part:

11 "The board shall have the responsibility for the following:

12 "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice  
13 Act.

14 "(b) The administration and hearing of disciplinary actions.

15 "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
16 administrative law judge.

17 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
18 disciplinary actions.

19 "(e) Reviewing the quality of medical practice carried out by physician and surgeon  
20 certificate holders under the jurisdiction of the board."

21 6. Section 2227 of the Code provides that a licensee who is found guilty under the  
22 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
23 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
24 action taken in relation to discipline as the Board deems proper.

25 7. Section 2228 of the Code states:

26 "The authority of the board . . . to discipline a licensee by placing him or her on probation  
27 includes, but is not limited to, the following:  
28

1 (a) Requiring the licensee to obtain additional professional training and to pass an  
2 examination upon the completion of the training. The examination may be written or oral, or  
3 both, and may be a practical or clinical examination, or both, at the option of the board or division  
4 or the administrative law judge.

5 (b) Requiring the licensee to submit to a complete diagnostic examination by one or more  
6 physicians and surgeons appointed by the board. If an examination is ordered, the board shall  
7 receive and consider any other report of a complete diagnostic examination given by one or more  
8 physicians and surgeons of the licensee's choice.

9 (c) Restricting or limiting the extent, scope, or type of practice of the licensee, including  
10 requiring notice to applicable patients that the licensee is unable to perform the indicated  
11 treatment, where appropriate . . . .”

12 8. Section 2229 of the Code states that the protection of the public shall be the highest  
13 priority for the Board in exercising their disciplinary authority. While attempts to rehabilitate a  
14 licensee should be made when possible, Section 2229(c) states that when rehabilitation and  
15 protection are inconsistent, protection shall be paramount.

16 9. Section 2234 of the Code states, in relevant part:

17 "The Board shall take action against any licensee who is charged with unprofessional  
18 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
19 limited to, the following:

20 (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
21 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical  
22 Practice Act].

23 . . . .

24 (e) The commission of any act involving dishonesty or corruption which is substantially  
25 related to the qualifications, functions, or duties of a physician and surgeon.”

26 10. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to  
27 use, prescribe for or administer to herself any controlled substance. Section 2239 further provides  
28

1 that it is unprofessional conduct to use any dangerous drugs as specified in Section 4022, or  
2 alcohol, to the extent that such use impairs the ability of the licensee to practice medicine safely.

3 11. Section 822 of the Code states that:

4 “If a licensing agency determines that it’s licentiate’s ability to practice his or her profession  
5 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the  
6 licensing agency may take action by any one of the following methods:

7 (a) Revoking the licentiate’s certificate or license.

8 (b) Suspending the licentiate’s right to practice.

9 (c) Placing the licentiate on probation.

10 (d) Taking such other action in relation to the licentiate as the licensing agency in its  
11 discretion deems proper.

12 The licensing agency shall not reinstate a revoked or suspended certificate or license until it  
13 has received competent evidence of the absence or control of the condition which caused its  
14 action and until it is satisfied that with due regard for the public health and safety the person’s  
15 right to practice his or her profession may be safely reinstated.”

16 12. Health and Safety Code section 11170 prohibits prescribing, administering or  
17 furnishing a controlled substance for self use.

18 13. Health and Safety Code section 11173 provides that no person shall obtain or  
19 attempt to obtain controlled substances, or procure or attempt to procure the administration of or  
20 prescription for controlled substances by fraud, deceit, misrepresentation or subterfuge or by the  
21 concealment of a material fact.

22 14. The Board’s Decision regarding Respondent in Case No. 03-2008-196387, effective  
23 June 14, 2010, contains the following provision (Condition 20): “Failure to fully comply with  
24 any term or condition of probation is a violation of probation. If Respondent violates probation in  
25 any respect, the Board, after giving Respondent notice and the opportunity to be heard, may  
26 revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition  
27 to Revoke Probation, or an Interim Suspension Order is filed against Respondent during  
28

1 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of  
2 probation shall be extended until the matter is final.”

### 3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Use of Controlled Substances/Dangerous Drugs/Alcohol)

5 15. Respondent specializes in dermatology. At all times pertinent to this Accusation and  
6 Petition to Revoke Probation, Respondent was engaged in the solo practice of dermatology in  
7 Marin County.

8 16. On October 2009, in Case No. 03-2008-196387, an Accusation was filed against  
9 Respondent alleging the following: During a three year period, Respondent wrote numerous  
10 prescriptions for four controlled substances – Ambien<sup>1</sup>, Xanax<sup>2</sup>, Provigil<sup>3</sup> and Phentermine<sup>4</sup> – in  
11 the names of her parents, filled the prescriptions at various pharmacies, and took the drugs herself.  
12 In November 2009, Respondent was arrested for driving under the influence and was eventually  
13 convicted of driving under the influence of a controlled substance as a misdemeanor. Even after  
14 her arrest, Respondent continued to self-prescribe.

15 17. On June 14, 2010, the Board issued a decision in Case No. 03-2008-196387 and  
16 Respondent’s probation went into effect. Respondent’s probation included several terms and  
17 conditions, including Condition 3, which states that “Respondent shall abstain completely from  
18 the personal use or possession of controlled substances as defined in the California Uniform  
19 Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section  
20 4022, and any drugs requiring a prescription. This prohibition does not apply to medications

21  
22 <sup>1</sup> Ambien, a trade name for zolpidem tartrate, is a non-benzodiazepine sedative-hypnotic. It is a  
23 dangerous drug as defined in section 4022 and a Schedule IV controlled substance as defined by section  
24 11057 of the Health and Safety Code and section 1308.14 of Title 21 of the Code of Federal Regulations.

25 <sup>2</sup> Xanax, a trade name for alprazolam tablets, possesses hypnotic properties. It is a dangerous drug  
26 as defined in section 4022 and a Schedule IV controlled substance as defined by section 11057 of the  
27 Health and Safety Code and section 1308.14 of Title 21 of the Code of Federal Regulations.

28 <sup>3</sup> Provigil, a trade name for Modafinil, is a stimulant. It is a dangerous drug as defined in section  
4022 and a Schedule IV controlled substance and Narcotic as defined by section 11057 of the Health and  
Safety Code and section 1308.14 of Title 21 of the Code of Federal Regulations.

<sup>4</sup> Phentermine is a psychostimulant drug with pharmacology similar to amphetamine. It is a  
dangerous drug as defined in section 4022 and a Schedule IV controlled substance and Narcotic as defined  
by section 11057 of the Health and Safety Code and section 1308.14 of Title 21 of the Code of Federal  
Regulations.

1 lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.  
2 Within 15 calendar days of receiving any lawful prescription medications, Respondent shall notify  
3 the Board or its designee of the issuing practitioner's name, address and telephone number;  
4 medication name and strength; and issuing pharmacy name, address and telephone number.  
5 Respondent shall abstain completely from the use of products or beverages containing alcohol."

6 18. In October 2013, Respondent's urine tested positive for Ketamine<sup>5</sup>, which is a  
7 sedative/anesthetic. In November 2013 and again in February 2014, Respondent's urine tested  
8 positive for Tramadol<sup>6</sup>, an opiate pain medication. When questioned about the positive test  
9 results, Respondent denied taking any of these medications. She stated that she might have come  
10 into contact with Tramadol when she was assisting her ailing father in Florida, but she later stated  
11 that she might have come into contact with the drug because her dog was taking it. Respondent  
12 failed to produce a prescription for Tramadol for her dog.

13 19. In March 2014, Respondent's urine tested positive for Temazepam<sup>7</sup> (a  
14 benzodiazepine), Oxycodone<sup>8</sup> and Oxymorphone<sup>9</sup> (opiates). The results also were positive for  
15 ethyl glucuronide (EtG) and ethyl sulfate (EtS), both alcohol biomarkers. Respondent again  
16 denied taking any of these medications and said she did not drink alcohol. She claimed that each  
17 of these positive urine test results were wrong. Controlled Substance Utilization Review and  
18 Evaluation System (CURES) reports show that Respondent had not received a prescription for  
19 these medications.

20  
21 <sup>5</sup> Ketamine is a rapid-acting injectable anesthetic. It is a dangerous drug as defined in section 4022  
22 and a Schedule III controlled substance as defined by section 11056 of the Health and Safety Code and  
23 section 1308.13 of Title 21 of the Code of Federal Regulations.

24 <sup>6</sup> Tramadol is an opioid pain medication and a dangerous drug as defined in section 4022. It  
25 became a Schedule IV controlled substance as defined by section 11057 of the Health and Safety Code and  
26 section 1308.14 of Title 21 of the Code of Federal Regulations in August of 2014.

27 <sup>7</sup> Temazepam is a hypnotic agent. It is a dangerous drug as defined in section 4022 and a Schedule  
28 IV controlled substance and Narcotic as defined by section 11057 of the Health and Safety Code and  
section 1308.14 of Title 21 of the Code of Federal Regulations.

<sup>8</sup> Oxycodone is a narcotic analgesic with multiple actions qualitatively similar to morphine. It is a  
dangerous drug as defined in section 4022 and a Schedule II controlled substance as defined by section  
11055 of the Health and Safety Code and section 1308.12 of Title 21 of the Code of Federal Regulations.

<sup>9</sup> Oxymorphone is an opioid analgesic. It is a dangerous drug as defined in section 4022 and a  
Schedule II controlled substance as defined by section 11055 of the Health and Safety Code and section  
1308.12 of Title 21 of the Code of Federal Regulations.

20. During a 350-day period from November 2012 to November 2013, CURES reports show that Respondent was prescribed 1,090 tablets of Ambien, mostly by her primary care physician (PCP) who was not aware that Respondent was on probation for a substance abuse problem or that she had abused Ambien in the past. Once the PCP was informed of the situation, the PCP discontinued prescribing to Respondent.

21. Respondent then turned to her endocrinologist who continued to prescribe her Ambien. Respondent did not advise him of her substance abuse history.

22. Respondent's treating addiction psychiatrist, Dr. T.C, was unaware that Respondent was receiving Ambien. He was also unaware that Respondent was prescribed the stimulant Phentermine.

23. In July of 2014, at the Board's request, Respondent underwent an evaluation by L.B, M.D., a psychiatrist who specializes in addiction medicine. Respondent unequivocally stated to Dr. L.B. that she is not an addict and that she does not have a problem with substance abuse. In March of 2015, Dr. L.B. concluded that Respondent meets diagnostic criteria for sedative hypnotic use disorder, severe, and polysubstance abuse, and that she had "found ways to subvert the prohibition on controlled substances" during her probation. Dr. L.B. concluded that if Respondent continued taking substances that can impair her judgment she could be a danger to the public, and that taking high doses of sedatives means that residual amounts in her bloodstream during the day could impair her judgment.

24. Respondent's conduct in self-administering controlled substances, and/or using controlled substances and/or alcohol in violation of her probation, and/or obtaining controlled substances by fraud, deceit, misrepresentation, subterfuge or by the concealment of a material fact as alleged above constitutes unprofessional conduct and is cause for discipline pursuant to Business and Professions Code sections 822 and/or 2229 and/or 2234, and/or 2239; and/or Health and Safety code sections 11170 and/or 11173.

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1 CAUSE TO REVOKE PROBATION

2 (Abstain from Use of Controlled Substances/Dangerous Drugs/Alcohol)

3 25. The allegations in the First Cause for Discipline are incorporated herein by reference  
4 as if fully set forth.

5 26. Respondent's probation is subject to revocation because she failed to comply with  
6 Probation Conditions 3 and 20, as set forth above. As previously described, during her  
7 probationary term, Respondent's urine tested positive for Ketamine, Tramadol, Temazepam,  
8 Oxycodone, Oxymorphone, and alcohol metabolites ethyl glucuronide/ethyl sulfate. Respondent  
9 denied taking any of these medications or drinking alcohol. She gave inconsistent and incredible  
10 theories as to why she tested positive for some of the drugs. She claimed the other test results  
11 were all wrong.

12 27. Respondent was prescribed Phentermine and large quantities of Ambien by her PCP  
13 whom she failed to inform that she was on probation for substance abuse or that she had a history  
14 of abusing Ambien and Phentermine. When Respondent's PCP was informed by Respondent's  
15 Probation Officer of the situation, Respondent went to her endocrinologist for more Ambien. She  
16 never informed him of her probation or substance abuse problem.

17 28. Respondent's treating addiction psychiatrist, Dr. T.C., was unaware that Respondent  
18 was receiving Ambien. He was also unaware that Respondent was prescribed the stimulant  
19 Phentermine.

20 29. In July of 2014, at the Board's request, Respondent underwent an evaluation by L.B,  
21 M.D., a psychiatrist who specializes in addiction medicine. In March of 2015, Dr. L.B. concluded  
22 that Respondent meets diagnostic criteria for sedative hypnotic use disorder, severe, and  
23 polysubstance abuse, and that she had "found ways to subvert the prohibition on controlled  
24 substances" during her probation. Dr. L.B concluded that if Respondent continued taking  
25 substances that can impair her judgment she could be a danger to the public, and that taking high  
26 doses of sedatives means that residual amounts in her bloodstream during the day could impair  
27 her judgment.  
28

1           30. Respondent is subject to disciplinary action and probation revocation for violating  
2 Conditions 3 and 20 of her probation in that she self-administered controlled substances, and/or  
3 she used controlled substances and/or alcohol in violation of her probation, and/or she obtained  
4 Phentermine and large quantities of Ambien without disclosing to her doctors that she was on  
5 probation for substance abuse and/or that she had a past history of abusing these drugs.

6                                   **DISCIPLINE CONSIDERATIONS**

7           31. To determine the degree of discipline, if any, to be imposed on Respondent,  
8 Complainant alleges that on or about August 19, 2009, in a prior criminal proceeding in Marin  
9 County Superior Court, Respondent was convicted of a misdemeanor violation of Vehicle Code  
10 section 23152(a) (driving under the influence of a controlled substance). Respondent's  
11 conviction constituted unprofessional conduct and the conviction of a crime substantially related  
12 to the qualifications, functions or duties of a physician and surgeon. The record of the criminal  
13 proceeding is incorporated as if fully set forth.

14                                   **PRAYER**

15           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Medical Board of California issue a decision:

17           1. Revoking the probation that was granted by the Medical Board of California in Case  
18 No. 03-2008-196387 and imposing the disciplinary order that was stayed thereby revoking  
19 Physician and Surgeon's Certificate No. A55830 issued to Julie Anne Winfield;

20           2. Revoking or suspending Physician and Surgeon's Certificate No. A55830, issued to  
21 Julie Anne Winfield;

22           3. Revoking, suspending or denying approval of Julie Anne Winfield's authority to  
23 supervise physician's assistants, pursuant to section 3527 of the Code;

24           4. Ordering Julie Anne Winfield to pay the Medical Board of California , if placed on  
25 probation, the costs of probation monitoring;



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5. Taking such other and further action as deemed necessary and proper.

April 21, 2015

DATED: \_\_\_\_\_



KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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41250945.doc

## **Exhibit A**

**Decision and Order**

**Medical Board of California Case No. 03-2008-196387**

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Second Amended Accusation )  
Against: )

JULIE ANNE WINFIELD, M.D. )

File No. 03-2008-196387

Physician's and Surgeon's )  
Certificate No. A 55830 )

Respondent. )  
\_\_\_\_\_ )

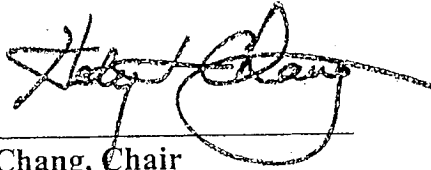
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 14, 2010.

IT IS SO ORDERED May 13, 2010.

MEDICAL BOARD OF CALIFORNIA

By:   
Hedy Chang, Chair  
Panel B

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 JANE ZACK SIMON  
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E-mail: Janezack.simon@doj.ca.gov  
7 *Attorneys for Complainant*  
*Medical Board of California*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 Case No. 03-2008-196387

12 In the Matter of the Accusation Against:

13 **JULIE ANNE WINFIELD, M.D.**  
14 770 Tamalpais Drive, Suite 402  
Corte Madera, CA 94925

15 Physician's and Surgeon's Certificate No. A55830

16 Respondent.  
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**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 1. Linda K. Whitney (complainant) is the Interim Executive Director of the  
21 Medical Board of California. This action has at all times been brought and maintained in the  
22 official capacity of the Medical Board's Executive Director. Complainant is represented in this  
23 matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jane Zack  
24 Simon, Deputy Attorney General.

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1                   2.     Julie Anne Winfield, M.D. (respondent) is represented by Ivan Weinberg  
2 of Weinberg Hoffman, LLP, 900 Larkspur Landing Circle, Suite 155, Larkspur, CA 94939.

3                   3.     On or about March 13, 1996, the Medical Board of California issued  
4 Physician's and Surgeon's Certificate No. A55830 to respondent. Said certificate is renewed and  
5 current with an expiration date of May 31, 2011.

6                   4.     Accusation No. 03-2008-196387 was duly filed before the Medical Board  
7 of California ("Board"), and is currently pending against respondent. The Accusation and all  
8 other statutorily required documents were properly served on respondent and respondent timely  
9 filed a Notice of Defense contesting the Accusation. A copy of Accusation No. 03-2008-196387  
10 is attached as exhibit A and incorporated herein by reference.

11                  5.     Respondent has carefully read, fully discussed with her counsel and  
12 understands the charges and allegations in Accusation No. 03-2008-196387. Respondent has also  
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15                  6.     Respondent is fully aware of her legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the  
18 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas  
19 to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22                  7.     Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24                  8.     Respondent admits that complainant could establish a *prima facie* case  
25 with respect to the charges and allegations set forth in the Accusation. Respondent agrees that her  
26 Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the  
27 Board's imposition of discipline as set forth in the Disciplinary Order below.

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1           9.     The admissions made by respondent herein are only for the purposes of this  
2 proceeding or any other proceedings in which the Medical Board of California or other  
3 professional licensing agency in any state is involved, and shall not be admissible in any other  
4 criminal or civil proceedings.

5           10.    This Stipulation shall be subject to the approval of the Board.  
6 Respondent understands and agrees that Board staff and counsel for complainant may  
7 communicate directly with the Board regarding this stipulation, without notice to or participation  
8 by respondent or her counsel. If the Board fails to adopt this Stipulation as its Order in this  
9 matter, the Stipulation shall be of no force or effect; it shall be inadmissible in any legal action  
10 between the parties; and the Board shall not be disqualified from further action in this matter by  
11 virtue of its consideration of this Stipulation. Respondent also understands and agrees that she  
12 will not be able to withdraw or modify this Stipulation while it is before the Board for  
13 consideration.

14           11.    The parties understand and agree that facsimile or electronic copies of this  
15 Stipulated Settlement and Disciplinary Order, including facsimile or electronic signatures thereto,  
16 shall have the same force and effect as the originals.

17           12.    In consideration of the foregoing admissions and stipulations, the parties  
18 agree that the Board may, without further notice or formal proceeding, issue and enter the  
19 following Disciplinary Order:

20                               **DISCIPLINARY ORDER**

21           IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate number  
22 A55830 issued to respondent Julie Anne Winfield, M.D. is revoked. However, the revocation is  
23 stayed and respondent is placed on probation for five (5) years on the following terms and  
24 conditions.

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2                   1.     Controlled Substances- Maintain Records and  
3                             Access to Records and Inventories:

4                   Respondent shall maintain a record of all controlled substances ordered,  
5                   prescribed, dispensed, administered, or possessed by respondent, and any recommendation or  
6                   approval issued pursuant to Health and Safety Code section 11362.5, during probation, showing  
7                   all the following: 1) the name and address of patient; 2) the date; 3) the character and quantity of  
8                   controlled substances involved; and 4) the indications and diagnosis for which the controlled  
9                   substances were furnished. Respondent shall keep these records in a separate file or ledger, in  
10                  chronological order. All records and any inventories of controlled substances shall be available  
11                  for immediate inspection and copying on the premises by the Board or its designee at all times  
12                  during business hours and shall be retained for the entire term of probation. Failure to maintain all  
13                  records, to provide immediate access to the inventory, or to make all records available for  
14                  immediate inspection and copying on the premises, is a violation of probation  
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16                   2.     Prescription Restriction:

17                  Respondent shall not prescribe, authorize, order, dispense, administer, or provide  
18                  any dangerous drug or controlled substances to any member of respondent's family or household.

19                   3.     Controlled Substances /Dangerous Drugs/Alcohol- Abstain From Use:

20                  Respondent shall abstain completely from the personal use or possession of  
21                  controlled substances as defined in the California Uniform Controlled Substances Act, dangerous  
22                  drugs as defined by Business and Professions Code section 4022, and any drugs requiring a  
23                  prescription. This prohibition does not apply to medications lawfully prescribed to respondent by  
24                  another practitioner for a bona fide illness or condition. Within 15 calendar days of receiving any  
25                  lawful prescription medications, respondent shall notify the Board or its designee of the: issuing  
26                  practitioner's name, address, and telephone number; medication name and strength; and issuing  
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1 pharmacy name, address, and telephone number. Respondent shall abstain completely from the  
2 use of products or beverages containing alcohol.

3           4.     Biological Fluid Testing:

4           Respondent shall immediately submit to biological fluid testing, at respondent's  
5 expense, upon the request of the Board or its designee. A certified copy of any laboratory test  
6 results may be received in evidence in any proceedings between the Board and the respondent.  
7 Failure to submit to, or failure to complete the required biological fluid testing, is a violation of  
8 probation.  
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10           5.     Community Service:

11           Within 60 calendar days of the effective date of this Decision, respondent shall  
12 submit to the Board or its designee for prior approval a community service plan in which  
13 respondent shall during each year of probation, provide 40 hours of free services to a community  
14 or non-profit organization. Prior to engaging in any community service respondent shall provide  
15 a true copy of the Decision(s) to the chief of staff, director, office manager, program manager,  
16 officer, or the chief executive officer at every community or non-profit organization where  
17 respondent provides community service, and shall submit proof of compliance to the Board or its  
18 designee within 15 calendar days. This condition shall also apply to any change(s) in community  
19 service. Community service performed prior to the effective date of the Decision shall not be  
20 accepted in fulfillment of this condition.  
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22           6.     Prescribing Practices Course:

23           Within 60 calendar days of the effective date of this Decision, respondent shall  
24 enroll in a course in prescribing practices, at respondent's expense, approved in advance by the  
25 Board or its designee. Failure to successfully complete the course during the first 6 months of  
26 probation is a violation of probation. A prescribing practices course taken after the acts that gave  
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1 rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the  
2 sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition  
3 if the course would have been approved by the Board or its designee had the course been taken  
4 after the effective date of this Decision. Respondent shall submit a certification of successful  
5 completion to the Board or its designee not later than 15 calendar days after successfully  
6 completing the course, or not later than 15 calendar days after the effective date of the Decision,  
7 whichever is later.  
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9                   7.     **Ethics Course:**

10                   Within 60 calendar days of the effective date of this Decision, respondent shall  
11 enroll in a course in ethics, at respondent's expense, approved in advance by the Board or its  
12 designee. The course must meet the requirements of 16 California Code of Regulations section  
13 1358.1. Failure to successfully complete the course during the first year of probation is a violation  
14 of probation. Successful completion of the Institute for Medical Quality "Professionalism  
15 Program" will constitute acceptable compliance with this requirement. An ethics course taken  
16 after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the  
17 Decision may, in the sole discretion of the Board or its designee, be accepted towards the  
18 fulfillment of this condition if the course would have been approved by the Board or its designee  
19 had the course been taken after the effective date of this Decision. Respondent shall submit a  
20 certification of successful completion to the Board or its designee not later than 15 calendar days  
21 after successfully completing the course, or not later than 15 calendar days after the effective date  
22 of the Decision, whichever is later.  
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25                   8.     **Psychiatric Evaluation:**

26                   Respondent shall undergo and complete a psychiatric evaluation (and  
27 psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist,  
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1 who shall consider any information provided by the Board or its designee and any other  
2 information the psychiatrist deems relevant, and shall furnish a written evaluation report to the  
3 Board or its designee. The Board may, in its sole discretion, accept a psychiatric evaluation  
4 performed prior to the effective date of the Decision in satisfaction of this requirement. In  
5 addition to the terms and conditions set forth in this Stipulated Settlement, respondent shall  
6 comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15  
7 calendar days after being notified by the Board or its designee. Failure to undergo and complete a  
8 psychiatric evaluation and psychological testing, or comply with any required additional  
9 conditions or restrictions, is a violation of probation. During the course of probation, and on such  
10 a periodic basis as may be required by the Board or its designee, Respondent shall undergo and  
11 complete additional psychiatric evaluation(s). During any psychiatric evaluation(s) Respondent  
12 shall cooperate fully with the evaluator, and shall provide the evaluator with access to any  
13 information, records or documents that the evaluator may deem pertinent or necessary.  
14 Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

17           9.     Psychotherapy :

18           Within 30 days of the effective date of this Decision, Respondent shall submit to  
19 the Board or its designee for prior approval the name and qualifications of a board-certified  
20 psychiatrist. Upon approval, Respondent shall undergo and continue psychiatric treatment  
21 throughout the course of probation. Respondent shall undergo and continue psychiatric treatment  
22 on an at least weekly basis for at least the first year of probation. Thereafter, the frequency or  
23 mode of psychotherapy may be modified as recommended by the treating psychiatrist and  
24 approved in advance by the Board or its designee. Respondent shall have the treating psychiatrist  
25 submit quarterly status reports to the Board or its designee. The psychiatrist shall notify the Board  
26 or its designee immediately if the psychiatrist believes at any time that Respondent cannot  
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1 continue to safely practice or if Respondent has not complied with treatment and medication  
2 recommendations. In such an event, Respondent authorizes and releases the psychiatrist to  
3 communicate with the Board or its designee and to provide any information the Board deems  
4 appropriate. Respondent's approved psychotherapist will not function in any additional roles and  
5 will be ineligible to serve as Respondent's practice monitor. If, prior to the completion of  
6 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
7 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
8 period of probation shall be extended until the Board determines that the Respondent is mentally  
9 fit to resume the practice of medicine without restrictions. Respondent shall pay the cost of all  
10 psychotherapy. Failure to undergo and continue psychotherapy treatment, or to comply with any  
11 required modification in the frequency of psychotherapy, is a violation of probation.  
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14 10. **Practice Monitor:**

15 Within 30 calendar days of the effective date of this Decision, respondent shall  
16 submit to the Board or its designee for prior approval as a practice monitor, the name and  
17 qualifications of one or more licensed physicians and surgeons whose licenses are valid and in  
18 good standing, and who are preferably American Board of Medical Specialties (ABMS) certified.  
19 A monitor shall have no prior or current business or personal relationship with respondent, or  
20 other relationship that could reasonably be expected to compromise the ability of the monitor to  
21 render fair and unbiased reports to the Board, including but not limited to any form of bartering,  
22 shall be in respondent's field of practice, and must agree to serve as respondent's monitor.  
23 Respondent shall pay all monitoring costs. The Board or its designee shall provide the approved  
24 monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan.  
25 Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring  
26 plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and  
27 Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed  
28 monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall

1 submit a revised monitoring plan with the signed statement. Within 60 calendar days of the  
2 effective date of this Decision, and continuing throughout probation, respondent's practice shall  
3 be monitored by the approved monitor. Respondent shall make all records available for  
4 immediate inspection and copying on the premises by the monitor at all times during business  
5 hours and shall retain the records for the entire term of probation. The monitor shall submit a  
6 quarterly written report to the Board or its designee which includes an evaluation of respondent's  
7 performance, indicating whether respondent's practices are within the standards of practice of  
8 medicine, and whether respondent is practicing medicine safely. It shall be the sole responsibility  
9 of respondent to ensure that the monitor submits the quarterly written reports to the Board or its  
10 designee within 10 calendar days after the end of the preceding quarter. If the monitor resigns or  
11 is no longer available, respondent shall, within 5 calendar days of such resignation or  
12 unavailability, submit to the Board or its designee, for prior approval, the name and qualifications  
13 of a replacement monitor who will be assuming that responsibility within 15 calendar days. If  
14 respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or  
15 unavailability of the monitor, respondent shall be suspended from the practice of medicine until a  
16 replacement monitor is approved and prepared to assume immediate monitoring responsibility.  
17 Respondent shall cease the practice of medicine within 3 calendar days after being so notified by  
18 the Board or designee. Failure to maintain all records, or to make all appropriate records  
19 available for immediate inspection and copying on the premises, or to comply with this condition  
20 as outlined above is a violation of probation.

21 **11. Notification:**

22 Prior to engaging in the practice of medicine, the respondent shall provide a true  
23 copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at  
24 every hospital where privileges or membership are extended to respondent, at any other facility  
25 where respondent engages in the practice of medicine, including all physician and locum tenens  
26 registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier  
27 which extends malpractice insurance coverage to respondent. Respondent shall submit proof of  
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1 compliance to the Board or its designee within 15 calendar days. This condition shall apply to any  
2 change(s) in hospitals, other facilities or insurance carrier.

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4 12. **Supervision of Physician Assistants:**

5 During probation, respondent is prohibited from supervising physician assistants.

6 13. **Obey all Laws:**

7 Respondent shall obey all federal, state and local laws, all rules governing the  
8 practice of medicine in California, and remain in full compliance with any court ordered criminal  
9 probation, payments and other orders.

10 14. **Quarterly Declarations:**

11 Respondent shall submit quarterly declarations under penalty of perjury on forms  
12 provided by the Board, stating whether there has been compliance with all the conditions of  
13 probation. Respondent shall submit quarterly declarations not later than 10 calendar days after  
14 the end of the preceding quarter.

15 15. **Probation Unit Compliance:**

16 Respondent shall comply with the Board's probation unit. Respondent shall, at all  
17 times, keep the Board informed of respondent's business and residence addresses. Changes of  
18 such addresses shall be immediately communicated in writing to the Board or its designee. Under  
19 no circumstances shall a post office box serve as an address of record, except as allowed by  
20 Business and Professions Code section 2021(b). Respondent shall not engage in the practice of  
21 medicine in respondent's place of residence. Respondent shall maintain a current and renewed  
22 California physician's and surgeon's license. Respondent shall immediately inform the Board, or  
23 its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or  
24 is contemplated to last, more than 30 calendar days.

25 16. **Interview With the Board, or its Designee:**

26 Respondent shall be available in person for interviews either at respondent's place  
27 of business or at the probation unit office, with the Board or its designee, upon request at various  
28 intervals, and either with or without prior notice throughout the term of probation.

17. Residing or Practicing Out-of-State:

In the event respondent should leave the State of California to reside or to practice, respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery. Respondent's license shall be automatically canceled if respondent's periods of temporary or permanent residence or practice outside California total two years. However, respondent's license shall not be canceled as long as respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state. Any respondent disciplined under Business and Professions Code sections 141(a) or 2305 (out of state discipline) may petition for modification or termination of penalty: 1) if the other state's discipline terms are modified, terminated or reduced; and, 2) if at least one year has elapsed from the effective date of the California discipline.

18. Failure to Practice Medicine - California Resident:

In the event respondent resides in the State of California and for any reason respondent stops practicing medicine in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply

1 to the reduction of the probationary term and does not relieve respondent of the responsibility to  
2 comply with the terms and conditions of probation. Non-practice is defined as any period of time  
3 exceeding 30 calendar days in which respondent is not engaging in any activities defined in  
4 sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive  
5 training program which has been approved by the Board or its designee shall be considered time  
6 spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-  
7 ordered suspension or in compliance with any other condition of probation, shall not be  
8 considered a period of non-practice. Respondent's license shall be automatically canceled if  
9 respondent resides in California and for a total of two years, fails to engage in California in any of  
10 the activities described in Business and Professions Code sections 2051 and 2052.

11 19. Completion of Probation:

12 Respondent shall comply with all financial obligations (e.g., restitution, probation  
13 costs) not later than 120 calendar days prior to the completion of probation. Upon successful  
14 completion of probation, respondent's certificate shall be fully restored.

15 20. Violation of Probation:

16 Failure to fully comply with any term or condition of probation is a violation of  
17 probation. If respondent violates probation in any respect, the Board, after giving respondent  
18 notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order  
19 that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order  
20 is filed against respondent during probation, the Board shall have continuing jurisdiction until the  
21 matter is final, and the period of probation shall be extended until the matter is final.

22 21. License Surrender:

23 Following the effective date of this Decision, if respondent ceases practicing due  
24 to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of  
25 probation, respondent may request the voluntary surrender of respondent's license. The Board  
26 reserves the right to evaluate respondent's request and to exercise its discretion whether or not to  
27 grant the request, or to take any other action deemed appropriate and reasonable under the  
28 circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar

1 days deliver respondent's wallet and wall certificate to the Board or its designee and respondent  
2 shall no longer practice medicine. Respondent will no longer be subject to the terms and  
3 conditions of probation and the surrender of respondent's license shall be deemed disciplinary  
4 action. If respondent re-applies for a medical license, the application shall be treated as a petition  
5 for reinstatement of a revoked certificate.

6           22.    Probation Monitoring Costs:

7           Respondent shall pay the costs associated with probation monitoring each and  
8 every year of probation, as designated by the Board, which are currently set at \$3,173.00, but may  
9 be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California  
10 and delivered to the Board or its designee no later than January 31 of each calendar year. Failure  
11 to pay costs within 30 calendar days of the due date is a violation of probation.

12                           ACCEPTANCE

13           I have carefully read the Stipulated Settlement and Disciplinary Order and have  
14 fully discussed it with my attorney. I understand the stipulation and the effect it will have on my  
15 Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary  
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
17 of the Medical Board of California.

18 DATED: March 31, 2010.

19   *Julie Anne Winfield, MD*  
20   JULIE ANNE WINFIELD, M.D.  
21   Respondent

22           I have read and fully discussed with respondent, Julie Anne Winfield, MD the  
23 terms and conditions and other matters contained in the above Stipulated Settlement and  
24 Disciplinary Order. I approve its form and content.

25 DATED: March 31, 2010.

26   *Ivan Weinberg*  
27   IVAN WEINBERG  
28   Weinberg Hoffman, LLP

Attorneys for Respondent



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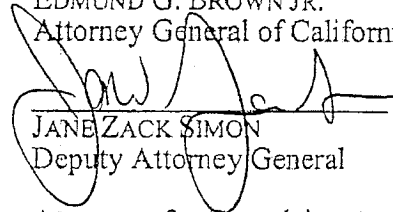
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 4/13/2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California



JANE ZACK SIMON  
Deputy Attorney General

Attorneys for Complainant



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*Medical Board of California*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 29, 2009  
BY: Jyelchak ANALYST

8  
9 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11  
12 In the Matter of the Accusation Against:

Case No. 03-2008-196387

13  
14 **JULIE ANNE WINFIELD, M.D..**  
770 TAMALPIAS DRIVE, SUITE 402  
15 CORTE MADERA, CA 94925

ACCUSATION

16 PHYSICIAN'S AND SURGEON'S CERTIFICATE NO. A55830

17  
18 Complainant alleges:

19 PARTIES

20 1. Barbara Johnston ("Complainant") brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs.

23 2. On or about March 13, 1996, the Medical Board of California issued Physician's and  
24 Surgeon's Certificate Number A55830 to Julie Anne Winfield, M.D. ("Respondent"). Said  
25 certificate is renewed and current, with an expiration date of May 31, 2011.

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## JURISDICTION

3. This Accusation is brought before the Medical Board of California<sup>1</sup> ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

A. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked or suspended for a period not to exceed one year; or the licensee may be placed on probation and may be required to pay the costs of probation monitoring or may have such other action taken in relation to discipline as the Board deems proper.

B. Section 2234 of the Code provides that the Medical Board shall take action against any licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter [Chapter 5, the Medical Practice Act].

C. Section 2236 of the Code provides that the conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct.

D. Section 2238 of the Code provides that a violation of any federal statute or federal regulation or any of the statutes or regulations of this state regarding dangerous drugs or controlled substances constitutes unprofessional conduct.

E. Section 2239 of the code provides that the use or prescribing for or administering to him or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, or self-

<sup>1</sup> The term "Board" means the Medical Board of California. "Division of Medical Quality" shall also be deemed to refer to the Board.

1 administration of any of the substances referred to in this section, or any combination  
2 thereof, constitutes unprofessional conduct.

3 F. Section 2242 of the Code provides that the prescribing, dispensing or furnishing  
4 dangerous drugs as defined in Section 4022 without a good faith prior examination and  
5 medical indication therefore, constitutes unprofessional conduct. Section 4022 defines a  
6 "dangerous drug" as any drug unsafe for self-use, including any drug which may be  
7 lawfully dispensed only by prescription.

8 G. Health and Safety Code section 11153 provides that a prescription for a  
9 controlled substance shall only be issued for a legitimate medical purpose by an individual  
10 practitioner acting in the usual course of his or her professional practice.

11 H. Health and Safety Code section 11154 provides that except in the regular  
12 practice of his or her profession, no person shall knowingly prescribe, administer,  
13 dispense or furnish a controlled substance to or for any person not under his or her  
14 treatment for a pathology or condition.

15 I. Health and Safety Code section 11157 provides that no person shall issue a  
16 prescription that is false or fictitious in any respect.

17 J. Health and Safety Code section 11170 provides that no person shall prescribe,  
18 administer, or furnish a controlled substance for him or herself.

19 K. Health and Safety Code section 11173 provides that no person shall obtain or  
20 attempt to obtain controlled substances, or procure or attempt to procure the  
21 administration of or prescription for controlled substances by fraud, deceit,  
22 misrepresentation or subterfuge or by the concealment of a material fact; and, no person  
23 shall make a false statement in any prescription, order, report or record.

## 24 DRUGS

25 4. The following dangerous drugs or controlled substances are at issue in this

26 Accusation:

27 A. Alprazolam is known by the trade name Xanax. It is used for the  
28 management of anxiety disorders or for the short-term relief of the  
symptoms of anxiety. It is a dangerous drug as defined in section 4022, a  
schedule IV controlled substance and narcotic as defined by section 11057,

subdivision (d) of the Health and Safety Code, and a Schedule IV controlled substance as defined by Section 1308.14 (c) of Title 21 of the Code of Federal Regulations. The usual dose of Xanax is 0.25 to 0.5 mg. three times per day.

B. Zolpidem tartrate, known by the trade name Ambien, is a non-benzodiazepine sedative-hypnotic. It is a dangerous drug as defined in section 4022, a schedule IV controlled substance as defined by section 11057 of the Health and Safety Code, and a Schedule IV controlled substance as defined by Section 1308.14 of Title 21 of the Code of Federal Regulations. It is indicated for the short-term treatment of insomnia. The recommended dosage for adults is 10 mg. immediately before bedtime.

C. Provigil, known by the trade name Modafinil, is a wakefulness-promoting agent. It is a dangerous drug as defined in section 4022, a schedule IV controlled substance as defined by section 11057 of the Health and Safety Code, and a Schedule IV controlled substance as defined by Section 1308.14 of Title 21 of the Code of Federal Regulations.

D. Phentermine is a central nervous system stimulant similar to amphetamines. It is a dangerous drug as defined in section 4022, a schedule IV controlled substance as defined by section 11057 of the Health and Safety Code, and a Schedule IV controlled substance as defined by Section 1308.14 of Title 21 of the Code of Federal Regulations. It is used on a short-term basis for weight loss, and its actions are similar to the amphetamine drugs.

#### FIRST CAUSE FOR DISCIPLINE

##### **(General Unprofessional Conduct, Unprofessional Conduct Regarding Self-Prescription of Controlled Substances)**

7. Respondent specializes in dermatology. At all times pertinent to this Accusation, Respondent was engaged in the solo practice of dermatology in Marin County.

8. Beginning in October 2006, Respondent began to obtain prescription medication—in particular controlled substances-- for her own use by issuing prescriptions in the names of her parents, H.K. and R.K.<sup>2</sup> Between October 2006 and May 2009, Respondent issued and filled 48 prescriptions for provigil (Modafinil), 33 prescriptions for phentermine, 80 prescriptions for

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<sup>2</sup> Respondent's parents are referred to by initial to protect their privacy.

1 alprazolam (Xanax), and 86 prescriptions for zolpidem tartrate (Ambien). On numerous  
2 occasions, Respondent issued prescriptions to both R.K. and H.K. on the same day or within a  
3 day or two for the same medication. She used two different spellings for H.K.'s first name, and  
4 issued prescriptions under both spellings. Respondent also filled the prescriptions at several  
5 different pharmacies, often filling prescriptions for the same medication at two or more  
6 pharmacies within a several day period. Although the prescriptions were issued by Respondent in  
7 the names of H.K. and R.K., in fact, none of the medication was actually prescribed for use by  
8 either of these individuals. Respondent intended at all times that the prescriptions were for her  
9 own use.

10 9. The recommended daily dosage for Xanax is not to exceed 10 mg, and the  
11 recommended daily dosage for Ambien is not to exceed 3-6 mg. Respondent self-prescribed in  
12 amounts far exceeding the recommended daily dosage for these controlled substances. For  
13 example, between January 1, 2008 and April 30, 2008, Respondent self-prescribed 1360 mg. of  
14 alprazolam (Xanax) and 4725 mg. of zolpidem tartrate (Ambien), for an average daily dosage of  
15 11 mg of Xanax and 39 mg of Ambien. Similarly, between August 1, 2008 and November 30,  
16 2008, Respondent self-prescribed 1436 mg. of Xanax and 5025 mg of Ambien. Her average daily  
17 dosage during this period was nearly 12 mg of Xanax and 41 mg of Ambien.

18 10. Respondent's conduct in self-prescribing controlled substances as alleged above  
19 constitutes unprofessional conduct; and/or violation of state and federal drug statutes; and/or the  
20 self-administration of controlled substances; and/or prescribing without medical indication, and is  
21 cause for discipline pursuant to Business and Professions Code sections 2234; and/or 2238;  
22 and/or 2239; and/or 2242.

23 11. Respondent's conduct in self-prescribing controlled substances as alleged above  
24 constitutes unprofessional conduct; and/or prescribing without a legitimate medical purpose and  
25 outside of her usual or customary practice, to a person not legitimately under her medical  
26 treatment; and/or issuance of false prescriptions; and/or the self-prescription of controlled  
27 substances; and/or obtaining controlled substances by fraud, deceit or misrepresentation, and is  
28 cause for discipline pursuant to Business and Professions Code sections 2234 and/or 2238; and/or

1 Health and Safety Code sections 11153, and/or 11154, and/or 11157, and/or 11170, and/or  
2 11173.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Conviction of Crime)**

5 12. On or about November 25, 2008, the Tiburon Police Department was contacted by a  
6 concerned motorist reporting a vehicle "all over the road" engaged in erratic and dangerous  
7 driving. Officers responded and identified a vehicle driven by Respondent. The officers  
8 observed Respondent driving erratically and dangerously, veering into the wrong lane into  
9 oncoming traffic and crossing over the center and side lines. After a traffic stop, Respondent had  
10 slow speech, poor manual dexterity and appeared disoriented. She performed poorly on field  
11 sobriety tests and appeared to be under the influence of controlled substances. A consensual  
12 search of Respondent's car revealed prescription bottles of Xanax, Ambien and Phentermine  
13 prescribed to H.K and an empty Provigil bottle prescribed to R.K. Respondent was arrested and  
14 charged with driving under the influence of drugs, reckless driving, and possession of a controlled  
15 substance without a prescription. A blood test came back positive for zolpidem (Ambien) and  
16 alprazolam (Xanax).

17 13. On or about August 19, 2009, as a result of a plea bargain, Respondent entered a  
18 guilty plea and was convicted of a misdemeanor violation of Vehicle Code section 23152(a)  
19 (driving under the influence of a drug.)

20 14. Respondent's conviction constitutes unprofessional conduct and the conviction of a  
21 crime substantially related to the qualifications, functions or duties of a physician and surgeon  
22 and is cause for discipline pursuant to Business and Professions Code sections 2234 and 2236.

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1. Revoking or suspending Physician's and Surgeon's Certificate Number  
A55830 issued to Julie Anne Winfield, M.D.;

3. Ordering Respondent to pay probation costs in the event that she is placed on probation; and,

Dated: October 29, 2009.

BARBARA JOHNSTON  
Executive Director  
Medical Board of California